

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**BERKLEY ASSURANCE COMPANY,**

**Plaintiff,**

v.

**ASSOCIATED INDUSTRIES INSURANCE  
COMPANY, INC.,**

**Defendant.**

Case No.: 21-cv-5303

**PLAINTIFF'S OPPOSED MOTION FOR JUDGMENT ON THE PLEADINGS**

COMES NOW Plaintiff Berkley Assurance Company (“Berkley”), pursuant to Fed. R. Civ. P. 12(c), and hereby moves the Court for entry of judgment on the pleadings in this matter. Berkley, as the excess insurer, is entitled to judgment on the pleadings against Defendant Associated Industries Insurance Company, Inc. (“Associated”) because Associated denied coverage to Berkley’s and Associated’s mutual insured when Associated had an obligation to pay indemnity for covered claims for “property damage” caused by an “occurrence” asserted against the insured and to which no exclusion under Associated’s policies applied.

Berkley’s Memorandum in Support of its Motion is filed contemporaneously herewith.

**WHEREFORE**, Plaintiff Berkley Assurance Company prays that this Court enter judgment on the pleadings for Berkley and provide such other and further relief as this Court deems just and equitable.

Dated: February 24, 2022.

Respectfully submitted,

*/s/ Meredith A. Webster*

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on February 24, 2022, a true and correct copy of the above and foregoing was filed using the Court's CM/ECF e-filing system, which will send notification of such filing to the following counsel of record:

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*/s/ Meredith A. Webster*

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Attorney for Plaintiff